

REMARKS

By this amendment, claims 2, 8 and 12 have been canceled. Therefore, on entering this amendment, claims 1, 3-7, and 9-11 are all the claims pending in the application.

Claim 12 is objected to under 37 C.F.R. 1.75 as being a substantial duplicate of claim 6.

Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Sato et al. (U.S. Patent No. 5,902,968).

Claims 2, 3, 4, 8, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. (U.S. Patent No. 5,902,968) in view of Kashi et al. (U.S. Patent No. 5,828,772).

Claims 5, 6, 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Applicants traverse the rejections and request reconsideration.

Claim Objections

Objection of Claim 12 based on being a duplicate of Claim 6

The Applicants respectfully cancel claim 12 to overcome this objection.

Claim Rejections Under 35 U.S.C. § 102

Rejection of Claims 1 and 7 based on Sato et al.

The Applicant respectfully amends claims 1 and 7 to incorporate the features of Claims 2 and 8 into Claims 1 and 7, thereby rendering the above rejection moot.

Claim Rejections Under 35 U.S.C. § 103

Rejection of Claims 2, 3, 4, 8, 9, and 10 based on Sato et al. in view of Kashi

Claims 2 and 8 have been deleted and their limitations incorporated in to independent claims 1 and 7. Therefore, section 103 rejection of amended claims 1 and 8 based on Sato and Kashi is discussed herein.

Claim 1 (as amended) requires determining a range of time where a stroke is present by comparing a **standard deviation of the acceleration** against a threshold. The Examiner admits that Sato does not suggest this feature. However, the Examiner incorrectly contends that Kashi overcomes this deficiency. Specifically, 3:8-20 of Kashi is cited in alleged support for this feature.

While Kashi mentions standard deviation, there is no suggestion for comparing the standard deviation of the acceleration against a threshold. In these passages, Kashi determines the total error and compares the error against a threshold. The threshold in turn could be the standard deviation of the acceleration. The Applicants respectfully submit that comparing the standard deviation of the acceleration against a threshold is very different from comparing the total error against the standard deviation of the acceleration.

Similarly, in claims 3, 4, 8, 9 and 10, the various standard deviations are compared against thresholds. As in claim 2, all these are very different from comparing the total error against the standard deviation of the acceleration as in Kashi.

A skilled artisan would not have been able to practice the present invention based on the combined teachings of Sato and Kashi.

Allowable claims

The Applicants request the Examiner to hold the status of the allowable claims in abeyance pending resolution of the status of the base claims.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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